



INTERIOR BOARD OF INDIAN APPEALS

Dennis Bia v. Navajo Regional Director, Bureau of Indian Affairs

34 IBIA 288 (03/22/2000)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DENNIS BIA,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 00-48-A
NAVAJO REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 22, 2000

Appellant Dennis Bia seeks review of a February 2, 2000, decision issued by the Navajo Regional Director, Bureau of Indian Affairs (Regional Director; BIA), cancelling Homesite Lease No. 20634, apparently on the Navajo Reservation. The Regional Director's decision states in pertinent part:

This decision may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340. Your notice of appeal to the Board * * * must be mailed within thirty (30) days from the date you receive this decision.
* * *

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. [Emphasis added.]

Appellant's copy of the Regional Director's decision was sent to him by certified mail - return receipt requested. At the Board's request, the Regional Director's office sent the Board a copy of the return receipt (green) card for Appellant's copy of the decision. That card shows that Appellant received his copy of the decision on February 9, 2000. Appellant's notice of appeal to the Board is postmarked March 17, 2000, which is more than 30 days after Appellant received the decision. Accordingly, this appeal is not timely.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's February 2, 2000, decision is docketed but dismissed as untimely.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge